

United States and may not exceed the rates for 2 days.

(2) If a deceased member was ordered or called to active duty from a place outside the United States, Puerto Rico, or the possessions of the United States, the allowances authorized under this section may be provided to and from such place and may be extended to accommodate the time necessary for such travel.

(c) In this section, the term “dependents” includes the dependents specified in paragraphs (1) and (2) of section 401(a) of this title. However, if no person qualifies under such paragraphs, the parents of a member (including stepparent or parent by adoption, or any person, including a former stepparent, who has stood in loco parentis to the member at any time for a continuous period of at least 5 years before the member became 21 years of age) may be paid the travel and transportation allowances authorized under this section.

(Added Pub. L. 99-145, title VI, § 620(a)(1), Nov. 8, 1985, 99 Stat. 642; amended Pub. L. 100-456, div. A, title VI, § 632(b), Sept. 29, 1988, 102 Stat. 1986; Pub. L. 103-35, title II, § 204(a)(2), May 31, 1993, 107 Stat. 102.)

AMENDMENTS

1993—Subsec. (c). Pub. L. 103-35 substituted “section 401(a) of this title” for “section 401 of this title”.

1988—Subsec. (a). Pub. L. 100-456 substituted “or inactive duty in order that such dependents may” for “for a period of 30 days or more in order to”.

EFFECTIVE DATE OF 1988 AMENDMENT

Section 632(c) of Pub. L. 100-456 provided that: “The amendments made by this section [amending this section and section 411h of this title] shall take effect on October 1, 1988.”

EFFECTIVE DATE

Section 620(b) of Pub. L. 99-145 provided that: “The travel and transportation allowance authorized by the amendments made by this section [enacting this section] is payable only for travel that commences after September 30, 1985.”

§ 411g. Travel and transportation allowances: transportation incident to voluntary extensions of overseas tours of duty

(a) Under regulations prescribed by the Secretary concerned, a member of a uniformed service who—

- (1) is stationed outside the United States; and
- (2) voluntarily agrees to extend his overseas tour of duty for a period equal to at least one-half of the overseas tour prescribed for his permanent duty station;

may be paid the transportation allowance described in subsection (b) for himself and each dependent who is authorized to, and does, accompany him.

(b) The transportation allowance authorized by subsection (a) is an allowance provided—

- (1) in connection with authorized leave; and
- (2) for the cost of transportation—

(A) from a member's permanent duty station to a place approved by the Secretary concerned and from that place to his permanent duty station; or

(B) from a member's permanent duty station to a place no farther distant than his home of record (if he is a member without dependents) and from that place to his permanent duty station.

(c) The transportation allowance authorized by subsection (a) may not be provided to an enlisted member who, with respect to an extension of duty described in subsection (a)—

(1) elects to receive special pay under section 314 of this title for duty performed during such extension of duty; or

(2) elects to receive rest and recuperative absence or transportation at Government expense, or any combination thereof, under section 705 of title 10 for such extension of duty.

(d) The authority under this section shall expire on October 1, 1989.

(Added Pub. L. 100-180, div. A, title VI, § 614(a)(1), Dec. 4, 1987, 101 Stat. 1093; amended Pub. L. 100-456, div. A, title VI, § 624(a), Sept. 29, 1988, 102 Stat. 1984; Pub. L. 101-189, div. A, title VI, § 653(c)(1), Nov. 29, 1989, 103 Stat. 1462.)

AMENDMENTS

1989—Subsec. (a). Pub. L. 101-189 struck out “to” after “may be paid” in concluding provisions.

1988—Subsec. (a). Pub. L. 100-456 substituted “may be paid” for “is entitled” in concluding provisions.

EFFECTIVE DATE OF 1988 AMENDMENT

Section 624(b) of Pub. L. 100-456 provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to agreements to extend overseas tours of duty made on and after the date of the enactment of this Act [Sept. 29, 1988].”

EFFECTIVE DATE

Section 614(b) of Pub. L. 100-180 provided that: “Section 411g of title 37, United States Code, as added by subsection (a), shall apply with respect to agreements to extend overseas tours of duty made after the date of the enactment of this Act [Dec. 4, 1987].”

GAO REVIEW AND REPORT

Section 614(c) of Pub. L. 100-180 directed Comptroller General to review implementation of 37 U.S.C. 411g after it has been in effect for one year, for the purpose of comparing the total cost to the Department of Defense of the transportation allowance allowed under such section with the total cost that would have been incurred by the Department of Defense over such period if such section had not been in effect and to submit to Congress a report on such review no later than Mar. 1, 1989.

§ 411h. Travel and transportation allowances: transportation of family members incident to the serious illness or injury of members

(a)(1) Under uniform regulations prescribed by the Secretaries concerned, transportation described in subsection (c) may be provided for not more than two family members of a member described in paragraph (2) if the attending physician or surgeon and the commander or head of the military medical facility exercising military control over the member determine that the presence of the family member may contribute to the member's health and welfare.

(2) A member referred to in paragraph (1) is a member of the uniformed services who—

(A) is serving on active duty or is entitled to pay and allowances under section 204(g) of this title (or would be so entitled were it not for offsetting earned income described in that section);

(B) is seriously ill, seriously injured, or in a situation of imminent death, whether or not electrical brain activity still exists or brain death is declared; and

(C) is hospitalized in a medical facility in or outside the United States.

(b)(1) In this section, the term “family member”, with respect to a member, means—

(A) the member’s spouse;

(B) children of the member (including stepchildren, adopted children, and illegitimate children);

(C) parents of the member or persons in loco parentis to the member, as provided in paragraph (2); and

(D) siblings of the member.

(2) Parents of a member or persons in loco parentis to a member include fathers and mothers through adoption and persons who stood in loco parentis to the member for a period not less than one year immediately before the member entered the uniformed service. However, only one father and one mother or their counterparts in loco parentis may be recognized in any one case.

(3) In this section, the term “health and welfare”, with respect to a member, includes a situation in which a decision must be made by family members regarding the termination of artificial life support being provided to the member.

(c) The transportation authorized by subsection (a) is round-trip transportation between the home of the family member and the location of the medical facility in which the member is hospitalized.

(d)(1) The transportation authorized by subsection (a) may be provided by any of the following means:

(A) Transportation in-kind.

(B) A monetary allowance in place of transportation in-kind at a rate to be prescribed by the Secretaries concerned.

(C) Reimbursement for the commercial cost of transportation.

(2) An allowance payable under this subsection may be paid in advance.

(3) Reimbursement payable under this subsection may not exceed the cost of government-procured commercial round-trip air travel.

(Added Pub. L. 100-180, div. A, title VI, § 615(a)(1), Dec. 4, 1987, 101 Stat. 1095; amended Pub. L. 100-456, div. A, title VI, § 632(a), Sept. 29, 1988, 102 Stat. 1985; Pub. L. 103-337, div. A, title VI, § 624, Oct. 5, 1994, 108 Stat. 2785.)

AMENDMENTS

1994—Subsec. (a)(1). Pub. L. 103-337, § 624(a)(1), substituted “may contribute to” for “is necessary for”.

Subsec. (a)(2)(B). Pub. L. 103-337, § 624(a)(2), added subpar. (B) and struck out former subpar. (B) which read as follows: “is seriously ill or seriously injured; and”.

Subsec. (b)(3). Pub. L. 103-337, § 624(b), added par. (3).

1988—Subsec. (a)(2). Pub. L. 100-456 amended par. (2) generally, inserting “or is entitled to pay and allow-

ances under section 204(g) of this title (or would be so entitled were it not for offsetting earned income described in that section)” in subpar. (A).

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-456 effective Oct. 1, 1988, see section 632(c) of Pub. L. 100-456, set out as a note under section 411f of this title.

EFFECTIVE DATE

Section 615(b) of Pub. L. 100-180 provided that: “The authority to provide transportation or to pay transportation expenses under section 411h of title 37, United States Code, as added by subsection (a), shall be effective only with respect to travel that occurs on or after the effective date of regulations prescribed under such section.”

§ 412. Appropriations for travel: may not be used for attendance at certain meetings

Appropriations of the Department of Defense that are available for travel may not, without the approval of the Secretary concerned or his designee, be used for expenses incident to attendance of a member of an armed force under that department at a meeting of a technical, scientific, professional, or similar organization.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 476.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
412	5:174a.	Aug. 1, 1953, ch. 305, § 605, 67 Stat. 349.

The words “may not . . . be used” are substituted for the words “shall not be available”. The words “on and after August 1, 1953” are omitted as executed. The words “Secretary concerned” are substituted for the words “Secretary of the department concerned” to conform to other sections of this revised title and to the definition in section 101(5) of this revised title. So much of the source statute as relates to civilian employees is omitted as superseded by the Act of July 7, 1958, Pub. L. 85-507, 72 Stat. 327.

PRIOR PROVISIONS

Act Aug. 1, 1953, cited as the source of this section in the Historical and Revision Notes above, is known as the Department of Defense Appropriation Act, 1954. Similar provisions were contained in the following prior appropriation acts:

July 10, 1952, ch. 630, title VI, § 606, 66 Stat. 531.

Oct. 18, 1951, ch. 512, title VI, § 606, 65 Stat. 445.

Sept. 6, 1950, ch. 896, ch. X, title VI, § 607, 64 Stat. 752.

Oct. 29, 1949, ch. 787, title VI, § 607, 63 Stat. 1018.

June 24, 1948, ch. 632, 62 Stat. 652.

July 30, 1947, ch. 357, title I, 61 Stat. 554.

July 16, 1946, ch. 583, 60 Stat. 545.

July 3, 1945, ch. 265, 59 Stat. 388.

June 28, 1944, ch. 303, 58 Stat. 577.

§ 413. Chairman and Vice Chairman of the Joint Chiefs of Staff

The Chairman and Vice Chairman of the Joint Chiefs of Staff are entitled to the allowances provided by law for the Chief of Staff of the Army.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 476; Pub. L. 100-180, div. A, title XIII, § 1314(c)(1), Dec. 4, 1987, 101 Stat. 1176.)